PART IV 48

Section 1-C.

NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L.D. 1650—Legis. 4-50-41, dated Bangalore, 21st August 1950.

Ordered that the following Notifications No. S.R.O. 125, dated 22nd July 1950 of the Ministry of Defence—The Army Act Rules, 1950, published in the *Gazette of India*, Part II, Section 4, dated the 22nd July 1950, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

MINISTRY OF DEFENCE.

New Delhi, the 22nd July 1950.

S.R.O. 125.—In exercise of the powers conferred by section 21, sub-section (4) of section 102 and section 191 of the Army Act, 1950 (XLVI of 1950), the Central Government is pleased to make the following rules :—

1. *Short Title.*—These rules may be called the Army Act Rules, 1950.

2. *Definition.*—In these rules 'the Act' means the Army Act, 1950.

3. *Unauthorised Organisations.*—No person subject to the Act shall, without the express sanction of the Central Government,—

(i) be a member of, or be associated in any way with, any society, institution or organization that is not recognised as part of the Armed Forces of the Union; or

(ii) be a member of, or be associated in any way with, any trade union or labour union, or any class of trade or labour unions.

4. *Political and other Activities.*—(1) No person subject to the Act shall attend, address, or take active part in any meeting or demonstration held for party or political purposes, or belong to or join, or subscribe in aid of, any political association or movement.

(2) No person subject to the Act shall issue an address to electors or in any other manner publicly announce himself or allow himself to be publicly announced as a candidate or as a prospective candidate for election to Parliament, Legislature of a State, local authority, or other public body, or act as a member of a candidate's election committee, or in any way actively prosecute a candidate's interests.

5. *Communications to the Press, Lectures, etc.*—No person subject to the Act shall—

(i) publish in any form whatever or communicate directly or indirectly to the Press any matter on a service subject or containing any service information, or publish or cause to be published any book or letter or article or other document on such matter or containing such information, without the prior sanction of the Commander-in-Chief or any other officer specified by him in this behalf; or

(ii) deliver a lecture or wireless address on a service subject or containing any information or views on any service subject without the prior sanction of the Commander-in-Chief or any other officer specified by him in this behalf.

Explanation.—For the purpose of this rule, service information and service subject mean information or subject as the case may be, concerning the forces.

6. *Release.*—A person subject to the Act may be released from the service in accordance with the Release Regulations for the Army or such other regulations as may be made from time to time.

7. *Authorised Deductions.*—The following deductions may be made from the pay, non-effective pay and all other emoluments payable to a person subject to the Act,—

(i) upon the general or special order of the Central Government, any sum required to meet any public claim there may be against him, any regimental debt that may be due from him or any regimental claim;

(ii) any sum required to meet compulsory contributions to any Provident Fund, or any Benevolent or other fund approved by the Central Government.

Explanation.—(i) "Public claim" means any public debt or disallowance including any over-issue made through an error as to the facts; or a deficiency or irregular expenditure of public money or store of which, after due investigation, no explanation satisfactory to the Central Government is given by the person who is responsible for the same.

(ii) The aforesaid deductions shall be in addition to those specified in the Act.

8. *Prescribed Officers Under Section 93 of the Act.*—The prescribed officers for purpose of section 93 of the Act shall be, in the case of an officer, the Commander-in-Chief and, in the case of a person other than an officer, the officer empowered to convene a court-martial for his trial.

9. *Delay Report.*—In cases of delay between the committal of a person into custody and the ordering of the assembly of a court-martial or a summary disposal of the charge, a special report as required in Section 103 of the Act shall be forwarded by the commanding officer to the officer empowered to convene a court-martial for his trial.

10. *Prescribed Officer Under Section* 164(2).—The prescribed officer for purposes of sub-section (2) of Section 164 shall be the officer superior in command to the one who confirmed the finding or sentence of the court-martial.

11. *Prescribed Officer Under Section* 165.—The prescribed officer for purposes of Section 165 shall be the confirming officer or any officer superior in command to him and in the case of a Summary Court-martial any officer superior in command to the officer who held the Summary Court-martial provided such superior officer has power not less than a Brigade Commander.

12. *Continuation of certain rules, regulations, etc.*—All rules, regulations, orders, directions and instructions made or issued before the commencement of the Act by or under the authority of the Central Government or of the Commander-in-Chief or by any other competent authority, in so far as they—

(*a*) provide for the manner in which and the period for which any person belonging to the regular Army may be taken into and detained in military custody;

(*b*) prescribe the procedure to be observed at the trial of offences committed by persons belonging to the regular army by any competent military authority;

(*c*) regulate the appearance of legal practitioners at any trial held by any authority as is referred to in clause (*b*);

and all the Indian Army Act Rules made under the Indian Army Act, 1911, shall, in so far as they are not inconsistent with the provisions of the Act, continue in force and be deemed to be rules made under the Act.

[No. 15/E.]

H. M. PATEL, Secy.

NOTIFICATION.

No. L. D. 1651—Legis. 4-50-42, dated Bangalore, 21st August 1950.

Ordered that the following Notification No. S.R.O. 126, dated 22nd July 1950 of the Ministry of Defence—The Air Force Act Rules, 1950, published in the *Gazette of India*, Part II, Section 4, dated the 22nd July 1950, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF DEFENCE.

New Delhi, the 22nd July 1950.

S.R.O. 126.—In exercise of the powers conferred by Section 21, sub-section (4) of Section 103 and Section 189 of the Air Force Act, 1950 (XLV of 1950), the Central Government is pleased to make the following rules:—

1. *Short Title.*—These rules may be called the Air Force Act Rules, 1950.

2. *Definitions.*—In these rules—

(i) "the Act" means the Air Force Act, 1950;

(ii) "minor punishment" means punishment inflicted without the intervention of a court-martial under Section 82 or Section 86 of the Act.

3. *Unauthorised Organisations.*—No person subject to the Act shall, without the express sanction of the Central Government—

(i) be a member of, or be associated in any way with, any society, institution or organisation that is not recognised as part of the Armed Forces of the Union; or.

(ii) be a member of, or be associated in any way with, any trade union or labour union, or any class of trade or labour unions.

4. *Political and other activities.*—(1) No person subject to the Act shall attend, address, or take active part in any meeting or demonstration held for party or political purposes, or belong to or join, or subscribe in aid of any political association or movement.

(2) No person subject to the Act shall issue an address to electors or in any other manner publicly announce himself or allow himself to be publicly announced as a candidate or as a prospective candidate for election to Parliament, Legislature of a State, local authority, or other public body, or act as a member of a candidate's election committee, or in any way actively prosecute a candidate s interests.

5. *Communications to the Press, Lectures, etc.*—No person subject to the Act shall—

(i) publish in any form whatever or communicate directly or indirectly to the press any matter on a service subject or containing any service information, or publish or cause to be published any book or letter or article or other document on such matter or containing such information, without the prior sanction of the Commander-in-Chief or any other officer specified by him in this behalf, or

(ii) deliver a lecture or wireless address on a service subject or containing any information or views on any service subject without the prior sanction of the Commander-in-Chief or any other officer specified by him in this behalf.

Explanation:—For the purpose of this rule, service information and service subject mean information or subject, as the case may be, concerning the forces.

6. *Release.*—A person subject to the Act may be released from the Air Force in accordance with the Release Regulations for the Air Force or such other regulations as may be made from time to time.

7. *Authorised deductions.*—The following deductions may be made from the pay, non-effective pay and all other emoluments payable to a person subject to the Act—

(i) upon the general or special order of the Central Government, any sum required to meet any public claim there may be against him, any service debt that may be due from him or any service claim;

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(ii) any sum required to meet compulsory contributions to any Provident Fund or any Benevolent or other fund approved by the Central Government.

Explanations.—(i) 'Public claim' means any public debt or disallowance including any over-issue made through an error as to the facts; or a deficiency or irregular expenditure of public money or store of which, after due investigation, no explanation satisfactory to the Central Government is given by the person who is responsible for the same.

(ii) The aforesaid deductions shall be in addition to those specified in the Act.

8. *Limitation of powers of minor punishment according to rank.*—(1) A commanding officer, if of the rank of Squadron Leader or above, may, without the intervention of a court-martial, award the minor punishments specified in Section 82 of the Act.

(2) A commanding officer, or other officer exercising the powers of a commanding officer, if of the rank of Flight Lieutenant, shall have the powers of punishment specified in the said Section, provided that he shall not award detention or field punishment for a period exceeding 7 days.

(3) A commanding officer, or other officer exercising the powers of a commanding officer, who is below the rank of Flight Lieutenant, shall have the powers of punishment specified in the said Section, except the following, in the case of non-commissioned officers, namely.—

(a) severe reprimand;

(b) deprivation of acting rank; and

(c) penal deduction under clause (g) of section 92;

and, in the case of persons below non-commissioned ranks, forfeiture of badge pay:

Provided that such officer shall not award detention or field punishment for a period exceeding 7 days, or to the camp for a period exceeding 10 days.

(4) Notwithstanding anything contained in sub-rules (2) and (3), a superior officer may, if he considers desirable, restrict the powers under the said sub-rules of a commanding officer, or other officer below the rank of Squadron Leader exercising the powers of a commanding officer, to any extent that he thinks fit.

9. *Powers of minor punishment of Subordinate Commanders.*—(1) An officer other than a commanding officer specified by the Commander-in-Chief with the consent of the Central Government in pursuance of Section 82 of the Act, hereinafter referred to as 'subordinate commander', may award minor punishments subject to the provisions of sub-rule (2).

(2) The subordinate commanders specified in the first column of the table below, if authorised in this behalf by the commanding officer or other officer exercising the powers of a commanding officer, may award to the persons specified in the second column the minor punishments specified in the third column provided that, save when an officer of the rank of Flight Lieutenant is officiating in an appointment normally held by an officer of higher rank, or when no subordinate commander of

the rank of Squadron Leader or above is available, an officer of the rank of Flight Lieutenant shall not be authorised to award the punishment of fine.

TABLE.

Authority competent to award punishment	Person who may be punished	Punishment
Officer of the rank of Flight Lieutenant or above	Non-Commissioned Officer	(i) Reprimand. (ii) Admonition
	Airman below non-commissioned rank.	(i) Confinement to the Camp for a period not exceeding 7 days. (ii) Extra Guards or duties not exceeding 3 in number. (iii) Admonition. (iv) Fine not exceeding 4 days' pay provided that an Airman shall not be fined more than 7 days' pay in any one month.
Officer below the rank of Flight Lieutenant.	Non-Commissioned officer ...	Admonition.
	Airman below non-commissioned rank.	(i) Confinement to the Camp for a period not exceeding 3 days. (ii) Extra guards or duties not exceeding 3 in number. (iii) Admonition.

10. *Summary disposal of charge against officer and warrant officers.*—(1) When an officer or warrant officer is remanded for a summary disposal of the charge against him, a copy of the summary of evidence shall be delivered to him free of charge as soon as practicable after its preparation, and in any case not less than forty-eight hours before such disposal.

(2) The officer dealing with the case summarily under Section 86 of the Act, shall hear the witnesses, if any, in the presence of the accused, but may dispense with such hearing, if the accused person consents in writing thereto.

(3) If the accused person demands that the evidence against him be taken on oath, such evidence shall be so taken. The oath or affirmation shall be administered by the officer dealing with the case summarily.

(4) The accused may put questions in cross-examination to any witness, call any witnesses and make a statement in his defence.

11. *Prescribed officers under Section 94 of the Act.*—The prescribed officers for purposes of Section 94 of the Act shall be, in case of an officer or warrant officer, the Commander-in-Chief and, in the case of a person other than an officer or warrant officer, the officer empowered to convene a court-martial for his trial.

12. *Delay report.*—In cases of delay between the committal of a person into custody and the ordering of the assembly of a court-martial or a summary disposal of the charge, a special report as required in Section 104 of the Act shall be forwarded by the commanding officer to Air Headquarters, with a copy to the controlling Command Headquarters.

13. *Continuation of certain rules, regulations, etc.*—All rules, regulations, orders, directions and instructions made or issued before the commencement of the Act by

or under the authority of the Central Government or of the Commander-in-Chief or by any other competent authority, in so far as they—

(*a*) provide for the manner in which and the period for which any person belonging to the Air Force may be taken into and detained in Air Force custody ;

(*b*) prescribe the procedure to be observed at the trial of offences committed by persons belonging to the Air Force by any competent Air Force authority ;

(*c*) regulate the appearance of legal practitioners at any trial held by any such authority as is referred to in clause (*b*) ;

and all the Indian Air Force Act Rules (other than rules 17, 18 and 19) made under the Indian Air Force Act, 1932, shall, in so far as they are not inconsistent with the provisions of the Act, continue in force and be deemed to be rules made under the Act.

[No. 16/E.]

H. M. PATEL, Secy.

NOTIFICATION.

No. L.D. 1652—Legis. 6-50-31, dated Bangalore, 21st August 1950.

Ordered that the following Notification No. S.R.O. 131, dated 22nd July 1950, of the Ministry of Defence under the Indian Army Act, 1950, published in the *Gazette of India*, Part II, Section 4, dated the 22nd July 1950, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF DEFENCE.

New Delhi, the 22nd July 1950.

S. R. O. 131.— In exercise of the powers conferred by sub-section (1) of Section 5 of the Army Act, 1950, (XLVI of 1950), and in supersession of the notification of the Government of India in the Ministry of Defence No. 11/E., dated the 1st April 1950, the Central Government is pleased to direct that all persons belonging to the Land Forces of the States of Hyderabad, Mysore and Travancore-Cochin shall be placed at the disposal of the Central Government.

[No. 21/E.]

H. M. PATEL, Secy.

NOTIFICATION. SS

No. L.D. 1655—Legis. 6-50-32, dated Bangalore, 21st August 1950.

Ordered that the following Notification No. D. 4614-CI—50 dated 18th July 1950, of the Ministry of Finance (Communications) amending the Rules for the guidance of depositors in the Post Office Savings Banks published in the *Gazette of India*, Part I, Section 1, dated the 29th July 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF FINANCE (COMMUNICATIONS).

New Delhi, the 18th July 1950.

No. D. 4614-CI/50.—The Central Government is pleased to direct that the following further amendments shall be made in the Rules for the guidance of depositors in the Post Office Savings Banks, namely :—

In the said Rules—

I. After rule 5, the following heading and rule shall be inserted, namely :—

"ACCOUNTS IN JOINT NAMES

5-A. An account may be opened in the joint names of two persons (who are not minors) to be payable to—

(i) both the depositors, jointly, or (ii) either."

II. For sub-rule (1) of rule 6, the following sub-rule shall be substituted, namely :—

"(1) No person shall have more than one account opened whether in his own name or jointly with another."

III. After rule 11 the following rule shall be inserted, namely :—

"11-A. The limit of Rs. 10,000 mentioned in rules 10 and 11 does not apply to joint accounts opened under rule 5-A. The limit in respect of such an account will be Rs. 20,000."

IV. To rule 17, the following shall be added, namely :—

"In the case of an account to be opened in the joint names of two persons, the following declaration shall be signed by the intending depositors :

'We declare that the Post Office Savings Bank Rules have been read by/to us and that we accept them as binding upon us. We also declare that neither of us is already a depositor in a Post Office Savings Bank. We further declare that the balance at credit of our account will be payable to both/either of us and in the case of death of either of us to the survivor, or to the heirs and legal representatives of the last survivor in the case of death of both of us, as provided in rule 37-A.'"